



Domestic Abuser Registry

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Overview



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Study Authorization



- House Bill 1932, introduced by Delegate Daniel Marshall during the 2011 Session of the Virginia General Assembly, would:
 - Require any adult who has been convicted of a violation of Va. Code §§ 16.1-253.2 (violation of provisions of protective order), 18.2-57.2 (assault and battery against a family or household member), or 18.2-60.4 (violation of a protective order) to register for 15 years.
 - Failure to register or re-register would result in a Class 6 felony.
 - A person convicted of a misdemeanor could then be guilty of a felony if they fail to register properly.



- Registration requirements: Name, DOB, SSN*, address, employment, convicted offenses and localities, photograph, and fingerprints (*SSN not provided to public).
- Must register within 10 days of residing within the Commonwealth and re-register annually for 15 years.
- Sheriff would maintain a local registry and provide registry information to every residence, school, and business within ½ mile of an abuser's residence.
- Va. State Police would maintain a central registry available on their website.

HB 1932



- If passed, \$3,085,510 would need to be appropriated to DOC in FY12.
- 114 state correctional beds and 116 local jail beds would be impacted by FY17.
- Va. State Police estimates that \$986,000 would be required to design and develop a new registry and website, and an additional \$126,411 would be needed each year to support a position.
- Cost to local law enforcement is unknown.

Domestic Abuse Offenses



- There are three statutes in the Virginia Code that penalize domestic abuse.
- Va. Code § 16.1-253.2 includes:
 - violation of protective order;
 - violation of protective order (violence), second offense within five years;
 - violation of protective order (violence), third offense within five years;
 - assault with serious injury to person with family abuse protective order; and,
 - enter home of someone with protective order.

Domestic Abuse Offenses



- Va. Code § 18.2-57.2 includes:
 - simple assault against a family member; and,
 - simple assault against a family member, third or subsequent conviction within 20 years.

Domestic Abuse Offenses



- Va. Code § 18.2-60.4 includes:
 - violation of protective order;
 - violation of protective order (violence), second offense within five years;
 - violation of protective order (violence), third offense within five years.
 - assault with serious injury to person with protective order; and,
 - entering home of person with protective order.

Domestic Abuse Data



- Data was requested from the Va. Criminal Sentencing Commission as to the total number of convictions in circuit, general district and JDR courts for domestic abuse offenses under §§ 18.2-57.2, 18.2-60.4, and 16.1-253.2.
- Figures are based on concluded cases that resulted in a conviction.
- JDR and general district courts all participate in their respective court case management systems; whereas, three circuit courts do not participate in the circuit court case management system and are not included in the following data.

Domestic Abuse Data



- There was a combined total of 48,822 domestic abuse convictions in JDR, general district and circuit courts between FY07-FY11:
 - 42,975 convictions in JDR courts;
 - 5,527 convictions in circuit courts; and,
 - 320 convictions in general district courts.

Domestic Abuse Data



- 97% (47,327 of 48,822) of convictions were for misdemeanor domestic abuse offenses:
 - 39,199 were for simple assaults against a family member under § 18.2-57.2(A);
 - 7,842 were for misdemeanor violations of protective orders under § 16.1-253.2; and,
 - 286 were for misdemeanor violations of protective orders under § 18.2-60.4.

Domestic Abuse Data



- 3% (1,495 of 48,822) of convictions were for felony domestic abuse offenses:
 - 1,354 were for assaults against a family member, third or subsequent offense, under § 18.2-57.2(B);
 - 141 were for felony violations of protective orders under § 16.1-253.2; and,
 - 0 convictions for felony violations of protective orders under § 18.2-60.4.

Other States/Registries



- New York
 - Pending legislation would require anyone convicted of domestic violence to be listed in a Domestic Violence Offender Database.
 - Suffolk Co., NY, in 2009, passed an ordinance stating the county would now be required to establish a public domestic violence offender registry, operating similar to the sex offender registries.

Other States/Registries



- Oklahoma
 - Pending legislation would add domestic violence to the list of crimes requiring registration under the Mary Rippy Violent Crime Offenders Registration Act which is maintained by the Department of Corrections.
- Texas
 - Pending legislation would set up a central database containing information on anyone who has been convicted or “received a grant of deferred adjudication” for a family violence offense on three occasions.

Other States/Registries



- The National Domestic Violence Registry
 - Created in 2007 and maintained by a non-profit organization.
 - First national database model for domestic violence convictions available to the public.
 - Search by name or state on www.domesticviolencedatabase.org.

Policy Consideration



- Should Virginia create a domestic abuser registry and require anyone with a misdemeanor and/or felony domestic abuse conviction to register?



Discussion